

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CMC MATERIALS, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 20-738-JLH
)	
DUPONT DE NEMOURS,)	
INC., et al.,)	
)	
Defendants.)	

CMC'S MOTIONS (NOS. 1-6) FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, Plaintiff CMC Materials, LLC ("CMC") respectfully moves as follows:

- Motion No. 1: Motion for Partial Summary Judgment Against Defendants' Antitrust Counterclaims (4-7) Because Defendants Cannot Show that CMC's Exclusive Supply Agreements Substantially or Unlawfully Foreclosed Competition in Any Relevant Product Market;
- Motion No. 2: Motion for Summary Judgment Against Defendants' Antitrust Counterclaims (4-7) Because Defendants Cannot Support Their Alleged Relevant Antitrust Market;
- Motion No. 3: Motion for Partial Summary Judgment Against Defendants' Antitrust Counterclaims (4-7) Because Defendants Cannot Prevail on Their Sham Litigation Claim;

- Motion No. 4: Motion for Summary Judgment Against Defendants' Inequitable Conduct Counterclaim (3) Because Defendants Cannot Show a Specific Intent to Deceive;
- Motion No. 5: Motion for Summary Judgment Against Defendants' Patent Misuse Counterclaim (8); and
- Motion No. 6: Motion for Summary Judgment Against Defendants' *Walker Process* Counterclaim (5).

The grounds for these motions are fully set forth in CMC's Opening Brief in Support of its Motions for Summary Judgment.

WHEREFORE, CMC respectfully requests that the Court grant these motions and enter the attached proposed order.

OF COUNSEL:

Robert L. Maier
Margaret M. Welsh
Frank Zhu
David K. Bailey
BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, NY 10112
(212) 408 2500

/s/ Andrew E. Russell

John W. Shaw (No. 3362)
Karen E. Keller (No. 4489)
Andrew E. Russell (No. 5382)
SHAW KELLER LLP
I.M. Pei Building
1105 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 298-0700
jshaw@shawkeller.com
kkeller@shawkeller.com
arussell@shawkeller.com
Attorneys for Plaintiff

Lisa M. Kattan
Katharine M. Burke
Thomas C. Martin
Erik T. Koons
Christopher Wilson
Samuel L. Kassa
Eileen Hyde
Natalie Cardenas
Daniel Ruesta
BAKER BOTTS L.L.P.
700 K Street, N.W.
Washington, D.C. 20001
(202) 639-7700

Dated: June 14, 2024